

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 4:12 CR 307 - 11
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
JOHN HELMS,)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
Defendant)	REFERRAL TO U. S. PROBATION
)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli, regarding the change of plea hearing of John Helms, which was referred to the Magistrate Judge with the consent of the parties.

On June 27, 2012, the government filed a sixteen-count Indictment, charging Defendant John Helms, with Conspiracy to Possess with Intent to Distribute and to Distribute Heroin in violation of Title 21 United States Code Section 841(a)(1), (b)(1)(A) and 846; Possession with Intent to Distribute and Distribute Heroin, Aiding and Abetting in violation of Title 21 United States Code Section 841(a)(1) and (b)(1)(B); and Maintaining Drug Involved Premises, Aiding and Abetting in violation of Title 21 United States Code Section 856(a)(1) and Title 18 United States Code Section 2. Defendant Helms was arraigned on July 5, 2012, and entered a plea of not guilty to Counts 1, 5 and 6 of the Indictment, before Magistrate Judge George J. Limbert. On September 18, 2013, Magistrate Judge Nancy A. Vecchiarelli, received Defendant Helms's plea of guilty to Count 1 of

the Indictment, and issued a Report and Recommendation (“R&R”), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge’s R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge’s R&R is adopted. Defendant Helms is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Helms is adjudged guilty to Count 1 of the Indictment, in violation of Title 21 United States Code, Section 841(a)(1), (b)(1)(A) and 846, Conspiracy to Possess with Intent to Distribute and to Distribute Heroin. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on December 17, 2013, at 11:00 a.m., in Courtroom 19-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.

CHIEF JUDGE

UNITED STATES DISTRICT COURT

October 3, 2013